

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FILED IN CC DOCKET NO. 96-159
AUG 20 1997

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Sterling City)
exchange and the Big Spring and)
Colorado City exchanges.)

96-159

DOCKET FILE COPY ORIGINAL

PETITION

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Sterling City exchange and the Big Spring and Colorado City exchanges.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

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¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;
3. Exchanges involved: Sterling City in the San Angelo, TX LATA, Big Spring in the Midland, TX LATA and Colorado City in the Abilene, TX LATA;
4. Name of carriers: Sterling City of Contel/GTE Southwest, Inc., Big Spring of Southwestern Bell Telephone and Colorado City of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: Sterling City has 768 access lines, Big Spring has 14,851 access lines and Colorado City has 3,460 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Sterling City customers returning ballots who voted in favor of ELC to Big Spring: 88.92. Percentage of Sterling City customers returning ballots who voted in favor of ELC to Colorado City: 83.09. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. PRIMA FACIE SHOWING

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such

service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Sterling City exchange and the Big Spring and Colorado City exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 14306

PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE STERLING §
CITY EXCHANGE TO THE EXCHANGES OF § OF TEXAS
BIG SPRING AND COLORADO CITY §

INTERIM ORDER

Findings of Fact

1. On February 7, 1995, subscribers of the Sterling City Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Big Spring and Colorado City.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Sterling City Exchange is in the San Angelo Special Market Area (SMA) and is served by GTE Southwest, Inc. (GTE-SW). The exchange of Big Spring is in the Midland Local Access and Transport Area (LATA) and is served by Southwestern Bell Telephone Company (SWBT). The Colorado City Exchange is in the Abilene LATA and is served by SWBT.
4. An affirmative vote of 88.92 percent of Sterling City Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Big Spring Exchange. An affirmative vote of 83.09 percent of Sterling City Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Colorado City Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchanges of Big Spring and Colorado City are within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(ii).
7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed in this proceeding on January 9, 1996.
8. The Big Spring Exchange provides medical facilities, dental services, employment, a mental health facility, welfare office and a supporting fire department for Sterling City Exchange subscribers.
9. The Colorado City Exchange provides medical and dental services, employment and serves as a commercial center for Sterling City Exchange subscribers.
10. Based on the affidavit referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Sterling City Exchange and each of the petitioned exchanges, i.e., the Big Spring Exchange and the Colorado City Exchange.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. Petitioners from the Sterling City Exchange have shown a community of interest with the Big Spring Exchange and the Colorado City Exchange.
2. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide*

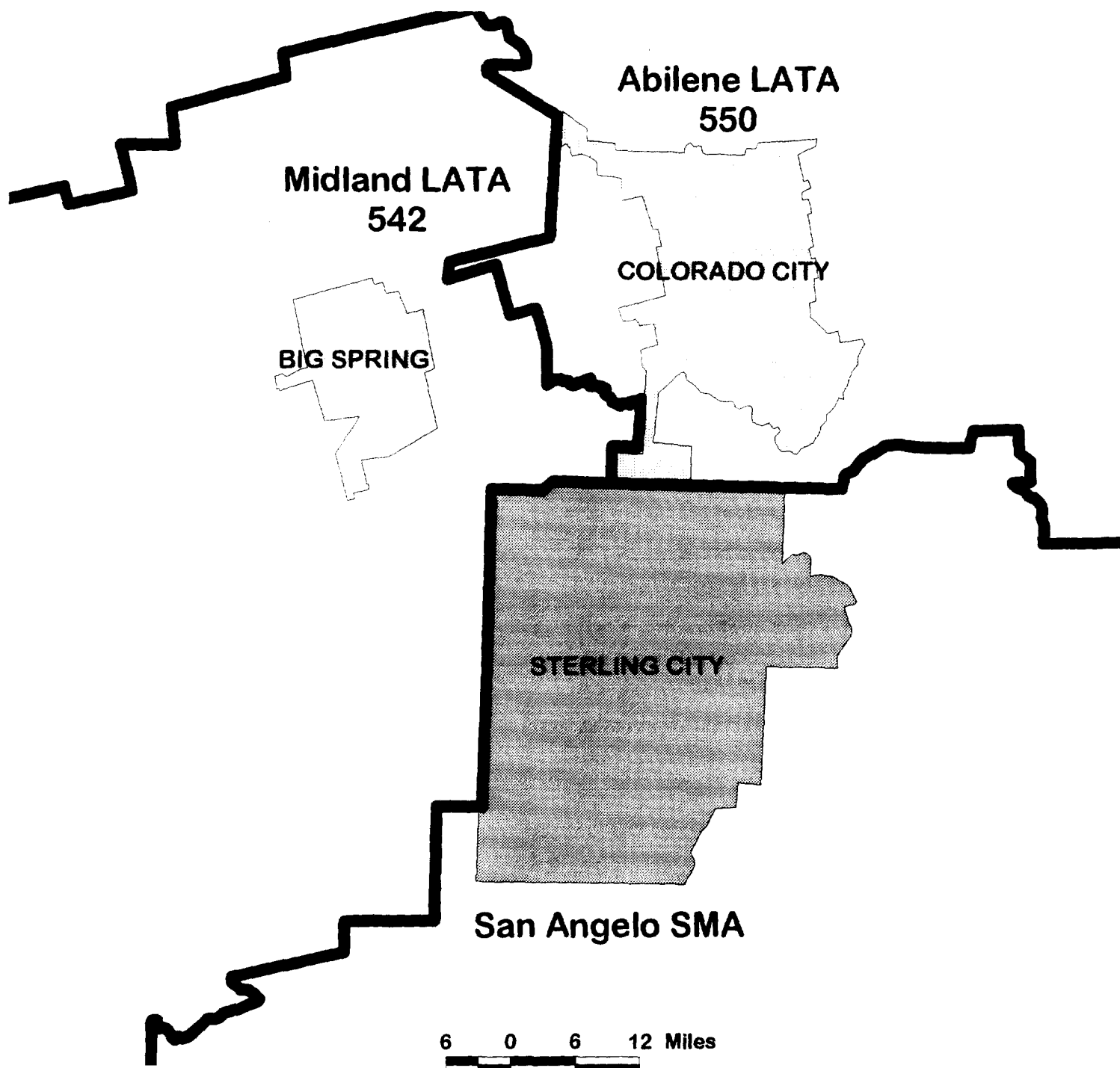
Expanded Local Calling Service (ELCS) at Various Locations, CC Docket No. 96-159, FCC 97-244. (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.

3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 1st DAY OF AUGUST, 1997

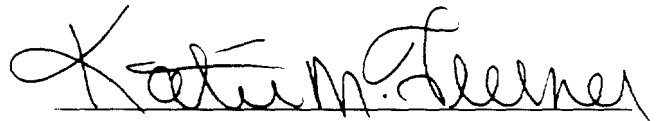
Sterling City To Big Spring and Colorado City



	Southwestern Bell Telephone Exchanges
	GTE Southwest Inc. Exchange

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701